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ABSTRACT

On January 1, 1863, Daniel Freeman, a Union Army scout convinced a land office clerk in St. Louis (Missouri) to open the office shortly after midnight so that Freeman could file a land claim. In doing so, Freeman became one of the first to take advantage of the opportunities provided by the Homestead Act, a law signed by President Abraham Lincoln on May 20, 1862. At the time of the signing, 11 states had left the Union, and this piece of legislation would continue to have regional and political overtones. Six months after the Homestead Act was passed, the Railroad Act was signed, and by May 1869, a transcontinental railroad stretched across the U.S. frontier. The new railroads provided easy transportation for homesteaders, and new immigrants were lured westward by railroad companies eager to sell excess land at inflated prices. Before the act was repealed in 1934, over 1.6 million homestead applications were processed and more than 270 million acres, 10% of all U.S. lands, passed into the hands of individuals. This lesson plan provides extensive historical background on the Homestead Act and uses three primary source documents: (Daniel Freeman's Homestead Application; Daniel Freeman's Proof of Improvements; and Daniel Freeman's Certificate of Eligibility) to focus on this phase in United States history. The lesson plan addresses National History Standards correlations and cross-curricular connections. (BT)

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TEACHING WITH DOCUMENTS

The Homestead Act of 1862

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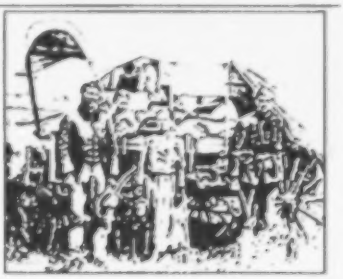
Teaching With Documents Lesson Plan:



The Homestead Act of 1862

Background

On January 1, 1863, Daniel Freeman, a Union Army scout, was scheduled to leave Gage County, Nebraska Territory, to report for duty in St. Louis. At a New Year's Eve party the night before, Freeman met some local Land Office officials and convinced a clerk to open the office shortly after midnight in order to file a land claim. In doing so, Freeman became one of the first to take advantage of the opportunities provided by the Homestead Act, a law signed by President Abraham Lincoln on May 20, 1862. At the time of the signing, 11 states had left the Union, and this piece of legislation would continue to have regional and political overtones.

The distribution of Government lands had been an issue since the Revolutionary War. At the time of the Articles of Confederation, the major controversy related to land measurement and pricing. Early methods for allocating unsettled land outside the original 13 colonies were arbitrary and chaotic. Boundaries were established by stepping off plots from geographical landmarks. As a result, overlapping claims and border disputes were common. The Land Ordinance of 1785 finally implemented a standardized system of Federal land surveys that eased boundary conflicts. Using astronomical starting points, territory was divided into a 6-mile square called a township prior to settlement. The township was divided into 36 sections, each measuring 1 square mile or 640 acres each. Sale of public land was viewed as a means to generate revenue for the Government rather than as a way to encourage settlement. Initially, an individual was required to purchase a full section of land at the cost of $1 per acre for 640 acres. The investment needed to purchase these large plots and the massive amount of physical labor required to clear the land for agriculture were often insurmountable obstacles

By 1800, the minimum lot was halved to 320 acres, and settlers were allowed to pay in 4 installments, but prices remained fixed at $1.25 an acre until 1854. That year, federal legislation was enacted establishing a graduated scale that

adjusted land prices to reflect the desirability of the lot. Lots that had been on the market for 30 years, for example, were reduced to 12 ½ cents per acre. Soon after, extraordinary bonuses were extended to veterans and those interested in settling the Oregon Territory, making homesteading a viable option for some. But basically, national public-land-use policy made land ownership financially unattainable for most would-be homesteaders.

Before and after the Mexican-American war in the mid 1800s, popular pressure to change policy arose from the evolving economy, new demographics, and shifting social climate of early 19th-century America. In the 1830s and 1840s, rising prices for corn, wheat, and cotton enabled large, well-financed farms, particularly the plantations of the South, to force out smaller ventures. Displaced farmers then looked westward to unforested country that offered more affordable development. Prior to the war with Mexico (1846–48), people settling in the West demanded "preemption," an individual's right to settle land first and pay later (essentially an early form of credit). Eastern economic interests opposed this policy as it was feared that the cheap labor base for the factories would be drained. After the war with Mexico, a number of developments supported the growth of the homestead movement. Economic prosperity drew unprecedented numbers of immigrants to America, many of whom also looked westward for a new life. New canals and roadways reduced western dependence on the harbor in New Orleans, and England's repeal of its corn laws opened new markets to American agriculture.

Despite these developments, legislative efforts to improve homesteading laws faced opposition on multiple fronts. As mentioned above, Northern factories owners feared a mass departure of their cheap labor force and Southern states worried that rapid settlement of western territories would give rise to new states populated by small farmers opposed to slavery. Preemption became national policy in spite of these sectional concerns, but supporting legislation was stymied. Three times—in 1852, 1854, and 1859—the House of Representatives passed homestead legislation, but on each occasion, the Senate defeated the measure. In 1860, a homestead bill providing Federal land grants to western settlers was passed by Congress only to be vetoed by President Buchanan.

With the secession of Southern states from the Union and therefore removal of the slavery issue, finally, in 1862, the Homestead Act was passed and signed into law. The new law established a three-fold homestead acquisition process: filing an application, improving the land, and filing for deed of title. Any U.S. citizen, or intended citizen, who had never borne arms against the U.S. Government could file an application and lay claim to 160 acres of surveyed Government land. For the next 5 years, the homesteader had to live on the land and improve it by building a 12-by-14 dwelling and growing crops. After 5 years, the homesteader could file for his patent (or deed of title) by submitting proof of residency and the required improvements to a local land office.

Local land offices forwarded the paperwork to the General Land Office in Washington, DC, along with a final certificate of eligibility. The case file was examined, and valid claims were granted patent to the land free and clear, except for a small registration fee. Title could also be acquired after a 6-month residency and trivial improvements, provided the claimant paid the government $1.25 per acre. After the Civil War, Union soldiers could deduct the time they served from the residency requirements.

Some land speculators took advantage of a legislative loophole caused when those drafting the law's language failed to specify whether the 12-by-14 dwelling was to be built in feet or inches. Others hired phony claimants or bought abandoned land. The General Land Office was underfunded and unable to hire a sufficient number investigators for its widely scattered local offices. As a result, overworked and underpaid investigators were often susceptible to bribery.

Physical conditions on the frontier presented even greater challenges. Wind, blizzards, and plagues of insects threatened crops. Open plains meant few trees for building, forcing many to build homes out of sod. Limited fuel and water supplies could turn simple cooking and heating chores into difficult trials. Ironically, even the smaller size of sections took its own toll. While 160 acres may have been sufficient for an eastern farmer, it was simply not enough to sustain agriculture on the dry plains, and scarce natural vegetation made raising livestock on the prairie difficult. As a result, in many areas, the original homesteader did not stay on the land long enough to fulfill the claim.

Homesteaders who persevered were rewarded with opportunities as rapid changes in transportation eased some of the hardships. Six months after the Homestead Act was passed, the Railroad Act was signed, and by May 1869, a transcontinental railroad stretched across the frontier. The new railroads provided easy transportation for homesteaders, and new immigrants were lured westward by railroad companies eager to sell off excess land at inflated prices. The new rail lines provided ready access to manufactured goods and catalog houses like Montgomery Ward offered farm tools, barbed wire, linens, weapons, and even houses delivered via the rails.

On January 1, 1863, Daniel Freeman and 417 others filed claims. Many more pioneers followed, populating the land, building towns and schools and creating new states from the territories. In many cases, the schools became the focal point for community life, serving as churches, polling places and social gathering locations. In 1936, the Department of the Interior recognized Freeman as the first claimant and established the Homestead National Monument, near a school built in 1872, on his homestead near Beatrice, Nebraska. Today, the monument is administered by the National Park Service, and the site commemorates the changes to the land and the nation brought about by the Homestead Act of 1862. Before the Act was repealed in 1934, over 1.6 million homestead applications were processed and more than 270 million acres—10 percent of all

U.S. lands—passed into the hands of individuals.

The Documents

Document 1 – Daniel Freeman's Homestead Application

Document 2 – Daniel Freeman's Proof of Improvements

Document 3 – Daniel Freeman's Certificate of Eligibility

Image Top Right: A Family poses with the wagon in which they live and travel daily during pursuit of a homestead, 1886.

Lesson Resources

Standards Correlations

Teaching Activities

Document Analysis Worksheet

OurDocuments.Gov
http://www.ourdocuments.gov/content.php?page=document&doc=31

Page URL: http://www.archives.gov/digital_classroom/lessons/homestead_act_1862/homestead_act.html

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Teaching Activities

Standards Correlations

This lesson correlates to the National History Standards.

- Era 5-Civil War and Reconstruction (1850-1877)
  - Standard 1A-The student understands how the North and South differed and how politics and ideologies led to the Civil War
- Era 6-The Development of the Industrial United States (1870-1900)
  - Standard 2A-The student understands the sources and experiences of the new immigrants
  - Standard 4A-The student understands various perspectives on federal Indian policy, westward expansion, and the resulting struggles.

Cross-curricular Connections

Share this exercise with your history and government colleagues.

Activities

1. Provide each student with a photocopy of each of the featured documents, and make a transparency with the following questions: What types of documents are they? What are the dates of the documents? Who wrote the documents? What is the purpose of the documents? What information in the documents helps you understand why they were written? Ask one student to read the documents aloud as the others read silently. Lead the class in oral responses to the questions.

2. Instruct students to analyze the documents and make a list of the Homestead Act requirements. Ask them to check their answers by referring to the text of the Act, available in Henry Steele Commager's and Milton Cantor, eds., *Documents of American History*, and in the *Westward Expansion: 1842-1912* teaching packet available from the National Archives, as well as some textbooks. Lead a class discussion using some of the following questions: What were settlers' citizenship requirements? What were their age requirements? Why was there a clause pertaining to never having borne arms against the government?

How long did a homesteader have to reside on the property? What was a homesteader required to do to improve the land? Whose names appear on the documents? With what office were these documents filed? In order to locate this property on a map, what additional information is necessary? Did Freeman receive a patent for the land? Why are these documents preserved by the federal government?

3. The case file for Virgil Earp, Prescott, Arizona (1870-1905) is available online from the National Archives and Records Administration at http://www.archives.gov/digital_classroom/history_day/migration_history/homestead_case_files.html#earp.

   The case file for Charles P. Ingalls, father of Laura Ingalls Wilder (1880-1907) is available at http://www.archives.gov/digital_classroom/history_day/migration_history/homestead_case_files.html#ingalls.

   Encourage students to look at these later files and write a paragraph comparing them to the Freeman documents.

4. Divide the class into three groups representing each of the three regions of the country in the 1840s: the North, the South, and the West. Ask each group to research and write their region's position on the homestead issue. Ask representatives from each group to conduct a mock congressional debate on a proposed homestead bill.

5. Invite a local real estate developer, surveyor, or land official to talk to your class about present-day real estate prices and land measurement. Ask them to bring documents describing property locations using section, township, and range. Then ask the students to use local sources to determine the section, township, and range of your school.

6. Locate and read the article entitled "How to Use an Economic Mystery in Your History Course," written by Donald R. Wentworth and Mark C. Schug and published in the January 1994 issue of *Social Education*. Divide the class into six groups and assign each group one of the principles of economic reasoning to consider as they begin to solve the mystery of the Homestead Act of 1862 as proposed in the article. Use the jigsaw method of regrouping for students to share information gathered about all six principles to answer the question: why did so many people fail to take advantage of the Homestead Act?

7. Assign pairs of students different public land states. Inform them that it is 1880, and they have just filed for a homestead in their assigned state. Using information contained in their history books, geography books, and library resources, ask them to determine what crops they will cultivate, if they will raise livestock, how they will obtain water and fuel, and where

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they will live. Ask them to construct a 12 by 14 (inch) dwelling out of materials that would have been available to them.

8. Divide the class into three groups. Ask one group to determine the population of the Plains states in 1860, 1870, and 1880, and create a large bar graph with their data. Ask another group to determine how many immigrants came to the United States between 1850-1860, 1860-1870, and 1870-1880, and also create a bar graph with their data. Finally, ask the third group to investigate the miles of railroad tracks in the United States built between 1850-1860, 1860-1870, and 1870-1880, and also create a bar graph with their data. Ask each group to present their findings and hold a class discussion on cause and effect. To what extent did acts of the federal government influence these three factors? *Historical Statistics of the United States*, almanacs, and other library sources will be helpful for this activity.

Page URL: http://www.archives.gov/digital_classroom/lessons/homestead_act_1862/teaching_activities.html

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Application No. 1.

Homestead
Land office
Brownville N.T. January 2nd 1863

I Daniel Freeman of Gage County Nebraska Territory Do Hereby apply to Enter under the Provisions of the act of Congress approved May 20th 1862 Entitled, an act to secure Homesteads to actual settlers on the Public Domain The South half of N.E¼ & N.W¼ of N.W¼ & S.W¼ of N.W¼ Sec 24 in Township (2) N in Range Nine East containing 160 acres Having Filed my Pre Emption Declaration thereto on the Eighth day of September 1862

Daniel Freeman

Land office at
Brownville N.T. January 2nd 1863

I Richard F Barrett Register of the Land office do Hereby Certify That the above application is for Unappropriated Lands of the Class which the applicant is legally Entitled to Enter under the Homestead act of May 20th 1862 and that there is no Prior valid adverse Right to the same

Richard F Barrett
Register

Document 1 - Daniel Freeman's Homestead Application

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PROOF REQUIRED UNDER HOMESTEAD ACTS MAY 20. 1862, AND JUNE 21. 1865.

WE, Joseph Graff & Samuel Kilpatrick do solemnly swear that we have known Daniel Freeman for one five years last past; that he is the head of a family consisting of Wife and Two children and is — a citizen of the United States; that he is an inhabitant of the S½ fr 1/4 & N½ fr 1/4 & SW¼ of NE¼ of section No. 26 in Township No. 4 N of Ranges No. 5 E and that no other person resided upon the said land entitled to the right of Homestead or Pre-emption.

That the said Daniel Freeman — entered upon and made settlement on said land on the 1st day of January, 1863, and has built a house thereon part Log & part frame 14 by 20 feet one story, with two doors 1850 win dows. Shingle roof board floors and is a comfortable house to live in

and has lived in the said house and made it his exclusive home from the 1st day of January, 1863 to the present time, and that he has since said settlement ploughed, fenced, and cultivated about 35 — acres of said land, and has made the following improvements thereon, to wit: built a Stable. a Sheepshed 100 feet long Corn Crib. and has 40 cupple and 2 bunches peach Trees set out.

Joseph Graff
Samuel Kilpatrick.

I, Henry M. Atkinson Register do hereby certify that the above affidavit was taken and subscribed before me this 20th day of January, 1865

Henry M. Atkinson
Register

We certify that Joseph Graff & Samuel Kilpatrick whose names are subscribed to the foregoing affidavit, are persons of respectability.

Henry M. Atkinson, Register.
E. M. Allen, Receiver.

Document 2 - Daniel Freeman's Proof of Improvements

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sec

HOMESTEAD.

Land Office at Brownville Nebr
January 20th 1868.

CERTIFICATE, No. 1

APPLICATION, No. 1

It is hereby certified, That pursuant to the provisions of the act of Congress, approved May 20, 1862, entitled "An act to secure homesteads to actual settlers on the public domain,"

Daniel Freeman has made payment in full for Lots No 3 & 4 & SE¼ of NW¼ & SW¼ of NE¼ of Section Twenty Six (26) in Township four (4) North of Range five (5) East containing 160 acres.

Now, therefore, be it known, That on presentation of this Certificate to the COMMISSIONER OF THE GENERAL LAND OFFICE, the said Daniel Freeman shall be entitled to a Patent for the Tract of Land above described.

Henry M. Atkinson
Register.

Document 3 - Daniel Freeman's Certificate of Eligibility

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Written Document Analysis Worksheet

1. TYPE OF DOCUMENT (Check one):

___ Newspaper	___ Map	___ Advertisement
___ Letter	___ Telegram	___ Congressional record
___ Patent	___ Press release	
___ Memorandum		___ Census report
	___ Report	___ Other

2. UNIQUE PHYSICAL QUALITIES OF THE DOCUMENT (Check one or more):

___ Interesting letterhead	___ Notations
___ Handwritten	___ "RECEIVED" stamp
___ Typed	___ Other
___ Seals	

3. DATE(S) OF DOCUMENT:

_____

4. AUTHOR (OR CREATOR) OF THE DOCUMENT:

_____

POSITION (TITLE):

_____

5. FOR WHAT AUDIENCE WAS THE DOCUMENT WRITTEN?

_____

6. DOCUMENT INFORMATION (There are many possible ways to answer A-E.)

A. List three things the author said that you think are important:

_____
_____
_____

B. Why do you think this document was written?

_____
_____

C. What evidence in the document helps you know why it was written? Quote from the document.

_____
_____

D. List two things the document tells you about life in the United States at the time it was written:

_____
_____

E. Write a question to the author that is left unanswered by the document:

_____
_____

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